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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF WASHINGTON**
AT RICHLAND

11 STATE OF WASHINGTON, et al.,

12 Plaintiffs,

13 v.

14 UNITED STATES DEPARTMENT
OF HOMELAND SECURITY, a
15 federal agency, et al.

16 Defendants.

NO. 4:19-cv-05210-RMP

DECLARATION OF MARY M.
BOURQUE IN SUPPORT OF
PLAINTIFF STATES' MOTION
FOR § 705 STAY PENDING
JUDICIAL REVIEW OR FOR
PRELIMINARY INJUNCTION

NOTED FOR: October 3, 2019
With Oral Argument at 10:00 a.m.

1 I, Mary M. Bourque, declare as follows:

2 1. I am over the age of 18, competent to testify as to the matters herein
3 and make this declaration based on my personal knowledge.

4 2. I am the Superintendent of Schools for the Chelsea Public Schools
5 (“CPS”), a school system serving a diverse population of about 6,000 students
6 from prekindergarten through grade twelve. I have served as the Superintendent
7 for more than eight years and have worked in CPS for more than 30 years.

8 3. Chelsea is an immigrant-rich community that prides itself on its
9 diversity and inclusivity. About 66 percent of Chelsea’s population is Hispanic
10 or Latino, and 45 percent of its population is foreign born, the largest foreign-
11 born population in Massachusetts. Eighty-two percent of CPS students have a
12 first language other than English, compared to the statewide average of 22
13 percent.

14 4. Chelsea also has a large population of low-income families. Sixty-
15 three percent of CPS students are low-income, whereas the statewide average is
16 31 percent. Access to benefits and services, including for our immigrant
17 population, allows our dedicated and hard-working neighbors to support their
18 families and fully participate in the economic life of the community.

19 5. The U.S. Department of Homeland Security has issued a new
20 regulation on the public charge ground of inadmissibility under the Immigration
21 and Nationality Act. As I understand it, the Public Charge Rule would allow the
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1 federal government to consider a person's past use of a broad range of public
2 benefits as a negative factor in an application for lawful permanent residency, a new
3 visa, or for an extension of or change of stay from an existing visa. As a result, the
4 Public Charge Rule will cause many Chelsea families to withdraw from crucial
5 benefits and services, with a substantial negative impact on CPS and CPS students.

6 6. Many CPS students are beneficiaries of food assistance, housing
7 assistance, state-funded healthcare, and other federal and state benefits. Of these
8 students, many are noncitizens or U.S citizens living with noncitizen parents.

9 7. Access to benefits plays a positive role in supporting students' needs
10 and their capacity to learn. When students come to school healthy, with enough
11 food in their stomachs, and having had a good night's sleep in their homes, they are
12 prepared to learn and thrive. Students who do not receive proper medical attention
13 and are food and housing insecure have a hard time focusing, are more likely to act
14 out, and tend to see diminished educational outcomes. Research shows that mental
15 health problems, such as depression, anxiety, and behavioral problems among
16 children, increase as food security decreases.

17 8. CPS students lacking health, food, and housing benefits are more
18 likely to require additional services and supports, causing CPS to incur additional
19 costs. The Commonwealth of Massachusetts, which funds CPS through a
20 complex formula, will also incur additional costs. In Chelsea, state funding
21 accounts for about 81 percent of educational spending.
22

1 9. CPS students whose basic needs aren't being met may be more likely
2 to face suspension or expulsion and ultimately drop out of school. These
3 consequences are harmful for these students, their families, our community, and the
4 state as a whole. For instance, Massachusetts dropouts earn about \$500,000 less
5 over their lifetime than the average high school graduate and about \$1.5 million
6 less than the average bachelor's degree holder.

7 10. Other CPS students will suffer harm as well, if classrooms become
8 more unsettled and schools must spread their resources more thinly.

9 11. CPS school personnel will likely attempt to make referrals for food
10 and other assistance to local community organizations, stretching the organizations'
11 already strapped resources. The community organizations may in turn require more
12 funding from the City of Chelsea, the Commonwealth of Massachusetts, and
13 private contributors to sustain their programs.

14 12. Upon the federal government's release of the draft Public Charge
15 Rule, many Chelsea families expressed fear about using government benefits and
16 some withdrew from benefits at that time. These withdrawals included benefits
17 in the draft rule and those not in the draft rule. Chelsea families feared that
18 enrolling in any benefits at all could subject them to negative immigration
19 consequences. There was also confusion about which benefits were covered by
20 the draft rule and which were not.

21 13. It is anticipated that many more families will withdraw from
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1 government benefits because of the final Public Charge Rule. Fear and confusion
2 will likely cause families to withdraw from benefits covered by the Public Charge
3 Rule and those not covered.

4 14. Many CPS families will likely be in the untenable position of
5 choosing between forgoing critical benefits or risking the chance to remain in the
6 United States.

7 15. In addition, CPS students may lose access to important school-based
8 food programs, and CPS may sustain a financial burden from a loss in funding
9 and an increase in administrative costs.

10 16. CPS receives additional funds for students identified as
11 “economically disadvantaged” through a complex state formula that recognizes
12 students living in poverty often need extra services and supports. This
13 “economically advantaged” identification is based on whether the student is
14 enrolled in certain state benefits. Children whose families withdraw from benefits
15 will no longer be identified as “economically disadvantaged,” and as a result
16 either CPS will lose significant financial support, potentially millions of dollars,
17 and the state’s calculation of students will be inaccurate, or Massachusetts will
18 have to undergo a complex process of redefining how to qualify students as
19 “economically disadvantaged.”

20 17. Moreover, under Direct Certification through the United States
21 Department of Agriculture (“USDA”), CPS can automatically enroll students in
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1 the federal school food program if the students already receive benefits through
2 other income-based programs, including Medicaid and the Supplemental
3 Nutritional Assistance Program (“SNAP”). This process reduces the
4 administrative burden on CPS because it does not need to collect and process
5 paper forms. If students are no longer enrolled in public benefit programs, CPS
6 won’t be able to rely on Direct Certification and will incur additional
7 administrative costs.

8 18. Additionally, with a dramatic decrease in students enrolled in
9 Medicaid and SNAP, CPS schools may no longer qualify for the USDA’s
10 Community Eligibility program, which allows schools to provide free meals to
11 all students if a certain percentage of students are enrolled in the qualifying
12 benefits programs. Even if CPS schools are able to remain in the Community
13 Eligibility program, they will receive less USDA funding for providing
14 breakfasts and lunches because fewer students will be represented in their count
15 of qualifying students.

16 19. As a result, with fewer students receiving Medicaid and SNAP
17 benefits, CPS can expect fewer students to be able to access the federal school
18 breakfast and lunch programs that keep them nourished throughout the school
19 day. As discussed above, hungry children have less capacity to focus and learn
20 and require additional supports, resulting in negative consequences for students
21 and CPS.
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1 I declare under penalty of perjury under the laws of the United States that
2 the foregoing is true and correct.

3 DATED this 27th day of August, 2019, at Chelsea, Massachusetts.
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6 MARY M. BOURQUE
7 Superintendent, Chelsea Public Schools
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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 6th day of September, 2019, at Tumwater, Washington.

/s/ Sara M. Cearley
SARA M. CEARLEY
Paralegal